

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JOHN DOE,

Plaintiff,

v.

C.A. NO.: 17-191-JJM-LDA

BROWN UNIVERSITY,

Defendant.

JOINT REPORT REQUIRED BY THE TRIAL ORDER

Pursuant to the Court's Trial Order dated February 23, 2023 (ECF No. 95), Plaintiff John Doe and Defendant Brown University conferred on March 2, 2023 and participated in the drafting of this report answering the questions raised in the Trial Order.

1. Length of Trial

The parties estimate that the jury trial will require five (5) full trial days to complete.

2. Anticipated Trial Witnesses

A. Plaintiff

- Plaintiff John Doe;
- Mother Doe (Plaintiff's mother)
- Father Doe (Plaintiff's father)
- Yolanda Castillo-Appollonio (Brown employee)
- Maria Suarez (Brown employee)
- Margaret Klawunn (former Brown employee)
- Dr. John Daignault (expert witness)
- Sally Doe (Brown alumna)
- Carolan Norris (Brown employee)
- Dr. Jackie Twitchell (former Brown employee)

B. Brown University

- Yolanda Castillo-Appollonio (Brown employee)
- Maria Suarez (Brown employee)
- Margaret Klawunn (former Brown employee)
- Christopher Dennis (former Brown employee)
- Representative of Registrar's Office (to authenticate Plaintiff's academic transcript)

3. Issues to Resolved before Trial

- Brown will file a motion for reconsideration of Plaintiff's pseudonym allowance to require him to appear at the jury trial under his actual name. The Court's Order dated October 4, 2022, which addressed a prior motion relating to Plaintiff's pseudonym, states that Brown may renew its motion prior to trial. ECF No. 94 at p. 2. Brown will file its motion as promptly as possible in advance of the trial date to allow Plaintiff a reasonable amount of time to respond and afford the Court sufficient time to address this issue impacting the framework of the trial.
- Before the Court's grant of Brown's summary judgment motion in September 2020, Brown moved to strike Plaintiff's future economic damages demand and exclude the testimony of Lee E. Miller. Based on its summary judgment ruling, the Court denied Brown's motion to strike as moot. With the remand of the case following appeal, Brown's motion to strike would be ripe again. Plaintiff will not call Mr. Miller as a witness, so Brown will not have to renew its prior motion.
- The parties anticipate that they will file motions in limine on evidentiary issues, in accordance with the schedule for pre-trial submissions set by the Court.

4. Efforts to Mediate

The parties have engaged in unsuccessful settlement discussions between themselves, but they have not participated in a settlement conference. The parties agree to the Court's referral of the litigation to a settlement conference and request an April date, if available.

5. Availability Over the Next Nine Months

With a settlement conference in April and the need for pre-trial briefing and submissions if the conference proves to be unsuccessful, the parties provide the following information regarding their availability for trial:

- The month of May would be difficult for Brown due to the end of the academic year and commencement activities.
- The month of June is unavailable for Brown's counsel and witnesses because of planned vacations throughout the month.
- Due to course work requirements, June 20, 2023 until August 10, 2023 are difficult for Attorney Deyoe.
- The month of August is unavailable for Plaintiff's counsel

While some of the parties are generally available in July, Plaintiff's work schedule makes July problematic. Therefore, a trial date in September would be preferable for all. If a September trial date is unavailable, the parties would be available from October through December.

JOHN DOE

By his Attorneys,

/s/ Susan Kaplan

/s/ Sonja L. Deyoe

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Dated: March 3, 2023

BROWN UNIVERSITY,

By Its Attorneys,

/s/ Steven M. Richard

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Dated: March 3, 2023